

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

No. 4:06-CR-00005-F-2

UNITED STATES OF AMERICA,)	
)	
v.)	<u>ORDER</u>
)	
ANTONIO AUGUSTUS BOONE,)	
Defendant.)	

Antonio Augustus Boone has filed a renewed letter Motion for Transcripts [DE-107] seeking a copy of the following at government expense: Trial and Sentencing transcripts, Special Findings of Fact made by the District Court, Judgment and Sentence, and the Government's Proffer at Sentencing.

Title 28, United States Code, Section 753(f) addresses the circumstances under which transcripts may be provided to an indigent defendant at the government's expense. The statute provides:

Fees for transcripts furnished in criminal proceedings to persons proceeding under the Criminal Justice Act (18 U.S.C. § 3006A), or in habeas corpus proceedings to persons allowed to sue, defend, or appeal in forma pauperis, shall be paid by the United States out of moneys appropriated for those purposes. Fees for transcripts furnished in proceedings brought under section 2255 of this title to persons permitted to sue or appeal in forma pauperis shall be paid by the United States out of money appropriated for that purpose if the trial judge or a circuit judge certifies that the suit or appeal is not frivolous and that the transcript is needed to decide the issue presented by the suit or appeal.

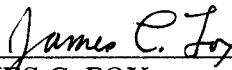
28 U.S.C. § 753(f).

A review of the record reveals that Boone pled guilty to Count One of the Indictment; thus, his request for the Trial transcript is misplaced. With respect to the remainder of his requests, Boone has failed to show that a copy of the transcripts is necessary to decide the issues

presented by his pending § 2255. Accordingly, Boone's renewed letter Motion for Transcripts [DE-107] is DENIED.

SO ORDERED.

This, the 18th day of April, 2013.



JAMES C. FOX
Senior United States District Judge